IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Crl.MC.No. 4088 of 2006()

CRIME NO.255/2005 OF NILAMBUR POLICE STATION

PETITIONER:

MOHAMMED ALI, S/O.MARAKKAR,
MADATHIL HOUSE, VANIYAMBLAM,
MALAPPURAM DISTRICT, NILAMBUR TALUK.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

THE STATE OF KERALA,
REP. BY THE CIRCLE INSPECTOR OF POLICE,
NILAMBUR, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/01/2007, ALONG WITH CRMC 4091/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.Nos. 4088 & 4091 of 2006

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Dated this the 1st day of January, 2007

O R D E R

The petitioners are accused, who initially faced allegations under Section 304A I.P.C. in reference to a road traffic accident. The section of the offence was altered later and allegation under Section 304 I.P.C. was incorporated. The petitioners were released on bail as per common order dt. 6.6.2005 subject to conditions. One of the conditions was that they must surrender the driving licences before Court and they shall not drive any vehicle until further orders. The learned counsel for the petitioners submits that a period exceeding 18 months has elapsed after the passing of the order. Charge sheet has already been filed. The driving licences have to be renewed. The petitioners are left without any employment. In these circumstances the conditions that the driving licences must be retained in Court custody and that the petitioners should not be permitted to drive any vehicle may now be deleted.

2. The applications are opposed. But notwithstanding the opposition, I am satisfied that the prayer of the petitioners can now be granted.

3. In these circumstances these petitions are allowed. The driving licenses surrendered by the petitioners shall be released to them. Condition No.2 shall stand deleted.

(R. BASANT)
Judge

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